

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

IN RE: ASHLEY MADISON CUSTOMER)	
DATA SECURITY BREACH LITIGATION)	
)	
This Document Relates to:)	MDL No. 2669
)	
ALL CASES)	Case No. 4:15-MD-02669-JAR
)	

**SUBMISSION OF SECOND AND FINAL COURT ORDERED ACCOUNTING OF
SETTLEMENT FUND AND AMOUNTS DISTRIBUTED TO CHARITIES**

On February 2, 2018, Class Counsel filed its Submission of Court Ordered Accounting of Claims Paid and Amounts Distributed to Charities. Doc. 384 (the “Initial Accounting Submission”). In that submission, Class Counsel stated that once all payments are made, expenses incurred are accounted for, and any unnegotiated distribution payments are known, Settlement Class Counsel will work with Angeion to issue a second and equal *pro rata cy pres* distribution to each of the Charities to close out the Settlement Fund. *Id.* Following that distribution, Settlement Class Counsel stated it would file a second notice of accounting with this Court to account for and document the distributions done with the Reserve. *Id.* Settlement Class Counsel stated that the notice would be filed with this Court no later than 150 days from the date of that filing, which was to be on or around July 2, 2018.

On June 18, 2018, Plaintiffs’ and Class Settlement Counsel submitted a Motion for Reimbursement of Additional Litigation Expenses Incurred After the Motion for Final Approval was Filed (the “Motion for Approval of Additional Expenses”). Doc. 385. The Court granted that Motion by Order on June 29, 2018. Doc. 388 (the “Order Approving Additional Expenses”). In that Order, the Court ordered that the July 2, 2018 deadline for filing a second notice of accounting

with the Court to account for and document the distributions done with the Reserve was continued July 16, 2018. *Id.* at 3.

Final Summary of Settlement Claim Distributions

On January 31, 2018, Pursuant to the Settlement Agreement and this Court's Orders, Angeion caused 3,849 payments to be distribution to class members totaling \$3,624,933.67.¹ *See* Declaration of Brian Devery, at ¶3, dated July 16, 2018, attached as Exhibit A ("Devery Decl.'). Payments by check were valid for a term of 90 days (May 1, 2018). *Id.* at ¶4. Reissued checks were requested and remailed on the final void date, which provided Claimants with an additional 30 days to negotiate the reissued checks (May 31, 2018). *Id.* On June 1, 2018 Angeion caused all outstanding payments to be voided. *Id.*

Distribution of Attorney Fees and Expenses

Angeion prepared a final invoice to effectuate the completion of the settlement administration, and it is in possession of the Order Approving Additional Expenses. *Id.* at ¶5. Pursuant to this Court's Orders, Angeion made a distribution to cover the final administration costs and to pay Class Settlement Counsel for the additional expenses approved by the Court, and those distributions were made from the funds remaining in the Settlement Fund (the Reserve and any unclaimed funds). *Id.*

Second and Final Cy Pres Distribution

As of July 16, 2018, the funds remaining in the Qualified Settlement Fund, comprising uncashed checks and the reserve initially held (minus final expenses), totaled \$230,627.86 (the "Remainder"). *Id.* at ¶6. Pursuant to the Court's Final Approval Order, the Remainder was divided pro-rata among the Cy Pres recipients and was distributed today as follows:

¹ During the Quality Assurance Process, Angeion located and removed certain duplicate and test claims which accounted for 23 records with a distribution value of \$23,027.99.

Cy Pres Recipient	Amount
Electronic Frontier Foundation	\$28,828.49
National Consumers League	\$28,828.49
Public Justice	\$28,828.48
GirlSpring	\$28,828.48
No Bully	\$28,828.48
Berkman Klein Center for Internet & Society at Harvard University	\$28,828.48
Center for Internet Society at Stanford Law School	\$28,828.48
Electronic Privacy Information Center	\$28,828.48

Devery Decl., at ¶7. Upon negotiation of the *cy pres* distributions above, Angeion will have issued all payments as directed by this Court and it will file a final tax return. *Id.* at ¶8. Upon the negotiation of the Cy Pres distributions referenced above, Angeion will close the Qualified Settlement Fund and destroy all paper and electronic data stored to effectuate claims processing and payment tracking. *Id.*

This final accounting submission, in addition to the Initial Accounting Submission, represents the final accounting of all funds from the Settlement Fund.

Date: July 16, 2018

Respectfully Submitted,

THE DRISCOLL FIRM, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2018, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all parties.

/s/ John J. Driscoll